

95TH CONGRESS  
1ST SESSION

# H. R. 7442

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 27 (legislative day, OCTOBER 21), 1977

Read twice and referred to the Committee on Commerce, Science, and  
Transportation

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## AN ACT

To amend the Communications Act of 1934 to provide for the  
regulation of utility pole attachments.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That title II of the Communications Act of 1934 (47 U.S.C.  
4       201 et seq.) is amended by adding at the end thereof the  
5       following new section:

6                       “UTILITY POLE ATTACHMENTS

7       “SEC. 224. (a) As used in this section:

8               “(1) The term ‘utility’ means any person who pro-  
9       vides telephone service or electric energy to the public  
10       and who owns or controls poles, ducts, conduits, or

1 rights-of-way used, in whole or in part, for wire com-  
2 munication. Such term does not include any corporation  
3 or other similar entity owned by the Federal  
4 Government.

5 “(2) The term ‘State authority’ means the govern-  
6 ment of any State, any political subdivision, agency, or  
7 instrumentality of a State, and any public utility dis-  
8 trict or other similar special purpose district established  
9 under State law.

10 “(3) The term ‘Federal Government’ means the  
11 Government of the United States or any agency or  
12 instrumentality thereof.

13 “(4) The term ‘pole attachment’ means any at-  
14 tachment for wire communication on a pole, duct, con-  
15 duit, or other right-of-way owned or controlled by a  
16 utility.

17 “(5) The term ‘usable space’ means the space  
18 on a utility pole above the minimum grade level which  
19 can be used for the attachment of wires and cables.

20 “(b) (1) The Commission shall regulate the rates,  
21 terms, and conditions for pole attachments in any case in  
22 which such rates, terms, and conditions are not regulated  
23 by any State authority. Any such State authority may act

1 at any time to regulate such rates, terms, and conditions.

2 Any such regulations prescribed by the Commission or by  
3 any State authority shall assure that rates for pole attach-  
4 ments are just and reasonable.

5 “(2) A just and reasonable rate, whether prescribed by  
6 the Commission or by State authority, shall assure the utility  
7 the recovery of not less than the additional costs of providing  
8 pole attachments nor more than the actual capital and oper-  
9 ating expenses of the utility attributable to that portion of  
10 the pole, duct, or conduit used by the pole attachment. Such  
11 portion shall be the percentage of the total usable space on a  
12 pole, or the total capacity of the duct or conduit, that is  
13 occupied by the pole attachment.”.

14 SEC. 2. Upon the expiration of the 5-year period that  
15 begins on the date of the enactment of this Act—

16 (1) section 224 (a) (4) of the Communications Act  
17 of 1934, as added by the first section of this Act, is  
18 repealed;

19 (2) section 224 (b) (2) of such Act, as added by  
20 the first section of this Act, is repealed; and

21 (3) section 224 (b) (1) of such Act, as added by  
22 the first section of this Act, is redesignated as section  
23 224 (b) .

Passed the House of Representatives October 25, 1977

Attest:        EDMUND L. HENSHAW, JR.,  
*Clerk.*

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